

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE MAY 25, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Gomez
(Principal coauthor: Senator Hertzberg)

February 19, 2016

An act to amend Section 816.52 of the Civil Code, and to amend Sections 65302 and 65560 of the Government Code, relating to open-space lands, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as amended, Gomez. Greenway easements.

(1) The Greenway Development and Sustainment Act applies certain creation and transfer provisions similar to those of conservation easements to greenway easements. The act defines various terms for purposes of the act, including “greenway,” to mean certain types of travel corridors that, among other requirements, incorporate an array of amenities for users of the corridor and nearby communities, and “greenway easement,” to mean a limitation in a deed, will, or other instrument for the purpose of developing greenways adjacent to urban waterways. The act provides that a recorded greenway easement constitutes an enforceable restriction for purposes of certain property tax provisions.

This bill would instead require a greenway to incorporate an array of amenities only within an urbanized area, as defined. The bill would include easements created for the purpose of preserving greenways adjacent to urban waterways as greenway easements. The bill would require greenway easements created for the purpose of developing greenways to be consistent with restoration efforts undertaken at the adjacent urban waterways at the time of the creation of the easement.

The Greenway Development and Sustainment Act requires that a greenway reflect specified design standards applicable for each affected local agency as documented in the local agency's applicable planning document.

This bill would require that these design standards be consistent with plans and facilities for controlling the floodwater of rivers and their tributaries, as applicable.

Because this bill, by revising these terms for purposes of the act and by expanding the definition of a greenway easement, would change the manner in which county assessors assess property for property taxation purposes, this bill would impose a state-mandated local program.

(2) The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a land use element and an open-space element. Existing law includes greenways, as defined in the Greenway Development and Sustainment Act, in the definition of “open-space land” for the purposes of the open-space element.

This bill would instead specify that greenways be included in the land use element of a general plan.

By revising the contents of the mandatory elements of a general plan, this bill would impose a state-mandated local program.

(3) This bill would incorporate additional changes to Section 65302 of the Government Code proposed by SB 974 and SB 1000 that would become effective only if this bill and either or both of those bills are chaptered and become operative on or before January 1, 2017, and this bill is chaptered last.

~~(3)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4)

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 816.52 of the Civil Code is amended to
2 read:
3 816.52. For purposes of this chapter, the following definitions
4 apply:
5 (a) (1) “Adjacent” means within 400 yards from the property
6 boundary of an existing urban waterway.
7 (2) This subdivision does not create a new authority to place or
8 extend an easement on private property that is not part of a
9 voluntary agreement.
10 (b) “Greenway” means a pedestrian and bicycle, nonmotorized
11 vehicle transportation, and recreational travel corridor that meets
12 the following requirements:
13 (1) Includes landscaping that improves rivers and streams,
14 provides flood protection benefits, and incorporates the significance
15 and value of natural, historical, and cultural resources, as
16 documented in the local agency’s applicable planning document,
17 including, but not limited to, a master plan, a general plan, or a
18 specific plan.
19 (2) Is separated and protected from shared roadways, is adjacent
20 to an urban waterway, and incorporates both ease of access to
21 nearby communities and an array of amenities within an urbanized
22 area and services for the users of the corridor and nearby
23 communities.
24 (3) Is located on public lands or private lands, or a combination
25 of public and private lands, where public access to those lands for
26 greenway purposes has been legally authorized by, or legally
27 obtained from, the fee owner of the land and, if applicable, the
28 operator of any facility or improvement located on the land,

1 through leases, easements, or other agreements entered into by the
2 fee owner and the operator of any affected facility or improvement
3 on the land.

4 (4) Reflects design standards regarding appropriate widths,
5 clearances, setbacks from obstructions, and centerlines protecting
6 directional travel, and other considerations, as appropriate, that
7 are applicable for each affected local agency, as documented in
8 the local agency's applicable planning document, including, but
9 not limited to, a master plan, general plan, or specific ~~plan~~ plan,
10 *and that are consistent with plans and facilities for controlling the*
11 *floodwater of rivers and their tributaries, as applicable.*

12 (5) May incorporate appropriate lighting, public amenities within
13 an urbanized area, art, and other features that are consistent with
14 a local agency's planning document, including, but not limited to,
15 a general plan, master plan, or specific plan.

16 (c) "Greenway easement" means any limitation in a deed, will,
17 or other instrument in the form of an easement, restriction,
18 covenant, or condition that is or has been executed by or on behalf
19 of the owner of the land subject to the easement and is binding
20 upon successive owners of that land, for either of the following
21 purposes:

22 (1) Developing greenways adjacent to urban waterways
23 consistent with restoration efforts undertaken at those waterways
24 at the time of the creation of the easement, if any.

25 (2) Preserving greenways adjacent to urban waterways.

26 (d) "Local agency" means a city, county, or city and county.

27 (e) "Urbanized area" has the same meaning as set forth in
28 Section 21071 of the Public Resources Code.

29 (f) "Urban waterway" means a creek, stream, or river that
30 crosses (1) developed residential, commercial, or industrial
31 property or (2) open space where the land use is designated as
32 residential, commercial, or industrial, as referenced in a local
33 agency's planning document, including, but not limited to, a
34 general plan, master plan, or specific general plan.

35 SEC. 2. Section 65302 of the Government Code is amended
36 to read:

37 65302. The general plan shall consist of a statement of
38 development policies and shall include a diagram or diagrams and
39 text setting forth objectives, principles, standards, and plan
40 proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

1 (III) Testing of military equipment, vehicles, weapons, and
2 sensors for proper operation or suitability for combat use.

3 (ii) “Military installation” means a base, camp, post, station,
4 yard, center, homeport facility for any ship, or other activity under
5 the jurisdiction of the United States Department of Defense as
6 defined in paragraph (1) of subsection (g) of Section 2687 of Title
7 10 of the United States Code.

8 (b) (1) A circulation element consisting of the general location
9 and extent of existing and proposed major thoroughfares,
10 transportation routes, terminals, any military airports and ports,
11 and other local public utilities and facilities, all correlated with the
12 land use element of the plan.

13 (2) (A) Commencing January 1, 2011, upon any substantive
14 revision of the circulation element, the legislative body shall
15 modify the circulation element to plan for a balanced, multimodal
16 transportation network that meets the needs of all users of streets,
17 roads, and highways for safe and convenient travel in a manner
18 that is suitable to the rural, suburban, or urban context of the
19 general plan.

20 (B) For purposes of this paragraph, “users of streets, roads, and
21 highways” mean bicyclists, children, persons with disabilities,
22 motorists, movers of commercial goods, pedestrians, users of public
23 transportation, and seniors.

24 (c) A housing element as provided in Article 10.6 (commencing
25 with Section 65580).

26 (d) (1) A conservation element for the conservation,
27 development, and utilization of natural resources including water
28 and its hydraulic force, forests, soils, rivers and other waters,
29 harbors, fisheries, wildlife, minerals, and other natural resources.
30 The conservation element shall consider the effect of development
31 within the jurisdiction, as described in the land use element, on
32 natural resources located on public lands, including military
33 installations. That portion of the conservation element including
34 waters shall be developed in coordination with any countywide
35 water agency and with all district and city agencies, including
36 flood management, water conservation, or groundwater agencies
37 that have developed, served, controlled, managed, or conserved
38 water of any type for any purpose in the county or city for which
39 the plan is prepared. Coordination shall include the discussion and
40 evaluation of any water supply and demand information described

1 in Section 65352.5, if that information has been submitted by the
2 water agency to the city or county.

3 (2) The conservation element may also cover all of the
4 following:

5 (A) The reclamation of land and waters.

6 (B) Prevention and control of the pollution of streams and other
7 waters.

8 (C) Regulation of the use of land in stream channels and other
9 areas required for the accomplishment of the conservation plan.

10 (D) Prevention, control, and correction of the erosion of soils,
11 beaches, and shores.

12 (E) Protection of watersheds.

13 (F) The location, quantity, and quality of the rock, sand, and
14 gravel resources.

15 (3) Upon the next revision of the housing element on or after
16 January 1, 2009, the conservation element shall identify rivers,
17 creeks, streams, flood corridors, riparian habitats, and land that
18 may accommodate floodwater for purposes of groundwater
19 recharge and stormwater management.

20 (e) An open-space element as provided in Article 10.5
21 (commencing with Section 65560).

22 (f) (1) A noise element that shall identify and appraise noise
23 problems in the community. The noise element shall analyze and
24 quantify, to the extent practicable, as determined by the legislative
25 body, current and projected noise levels for all of the following
26 sources:

27 (A) Highways and freeways.

28 (B) Primary arterials and major local streets.

29 (C) Passenger and freight online railroad operations and ground
30 rapid transit systems.

31 (D) Commercial, general aviation, heliport, helistop, and military
32 airport operations, aircraft overflights, jet engine test stands, and
33 all other ground facilities and maintenance functions related to
34 airport operation.

35 (E) Local industrial plants, including, but not limited to, railroad
36 classification yards.

37 (F) Other ground stationary noise sources, including, but not
38 limited to, military installations, identified by local agencies as
39 contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

1 (ii) National Flood Insurance Program maps published by
2 FEMA.

3 (iii) Information about flood hazards that is available from the
4 United States Army Corps of Engineers.

5 (iv) Designated floodway maps that are available from the
6 Central Valley Flood Protection Board.

7 (v) Dam failure inundation maps prepared pursuant to Section
8 8589.5 that are available from the Office of Emergency Services.

9 (vi) Awareness Floodplain Mapping Program maps and 200-year
10 flood plain maps that are or may be available from, or accepted
11 by, the Department of Water Resources.

12 (vii) Maps of levee protection zones.

13 (viii) Areas subject to inundation in the event of the failure of
14 project or nonproject levees or floodwalls.

15 (ix) Historical data on flooding, including locally prepared maps
16 of areas that are subject to flooding, areas that are vulnerable to
17 flooding after wildfires, and sites that have been repeatedly
18 damaged by flooding.

19 (x) Existing and planned development in flood hazard zones,
20 including structures, roads, utilities, and essential public facilities.

21 (xi) Local, state, and federal agencies with responsibility for
22 flood protection, including special districts and local offices of
23 emergency services.

24 (B) Establish a set of comprehensive goals, policies, and
25 objectives based on the information identified pursuant to
26 subparagraph (A), for the protection of the community from the
27 unreasonable risks of flooding, including, but not limited to:

28 (i) Avoiding or minimizing the risks of flooding to new
29 development.

30 (ii) Evaluating whether new development should be located in
31 flood hazard zones, and identifying construction methods or other
32 methods to minimize damage if new development is located in
33 flood hazard zones.

34 (iii) Maintaining the structural and operational integrity of
35 essential public facilities during flooding.

36 (iv) Locating, when feasible, new essential public facilities
37 outside of flood hazard zones, including hospitals and health care
38 facilities, emergency shelters, fire stations, emergency command
39 centers, and emergency communications facilities or identifying

1 construction methods or other methods to minimize damage if
2 these facilities are located in flood hazard zones.

3 (v) Establishing cooperative working relationships among public
4 agencies with responsibility for flood protection.

5 (C) Establish a set of feasible implementation measures designed
6 to carry out the goals, policies, and objectives established pursuant
7 to subparagraph (B).

8 (3) Upon the next revision of the housing element on or after
9 January 1, 2014, the safety element shall be reviewed and updated
10 as necessary to address the risk of fire for land classified as state
11 responsibility areas, as defined in Section 4102 of the Public
12 Resources Code, and land classified as very high fire hazard
13 severity zones, as defined in Section 51177. This review shall
14 consider the advice included in the Office of Planning and
15 Research's most recent publication of "Fire Hazard Planning,
16 General Plan Technical Advice Series" and shall also include all
17 of the following:

18 (A) Information regarding fire hazards, including, but not limited
19 to, all of the following:

20 (i) Fire hazard severity zone maps available from the Department
21 of Forestry and Fire Protection.

22 (ii) Any historical data on wildfires available from local agencies
23 or a reference to where the data can be found.

24 (iii) Information about wildfire hazard areas that may be
25 available from the United States Geological Survey.

26 (iv) General location and distribution of existing and planned
27 uses of land in very high fire hazard severity zones and in state
28 responsibility areas, including structures, roads, utilities, and
29 essential public facilities. The location and distribution of planned
30 uses of land shall not require defensible space compliance measures
31 required by state law or local ordinance to occur on publicly owned
32 lands or ~~open-space~~ *open-space* designations of homeowner
33 associations.

34 (v) Local, state, and federal agencies with responsibility for fire
35 protection, including special districts and local offices of
36 emergency services.

37 (B) A set of goals, policies, and objectives based on the
38 information identified pursuant to subparagraph (A) for the
39 protection of the community from the unreasonable risk of wildfire.

1 (C) A set of feasible implementation measures designed to carry
2 out the goals, policies, and objectives based on the information
3 identified pursuant to subparagraph (B) including, but not limited
4 to, all of the following:

5 (i) Avoiding or minimizing the wildfire hazards associated with
6 new uses of land.

7 (ii) Locating, when feasible, new essential public facilities
8 outside of high fire risk areas, including, but not limited to,
9 hospitals and health care facilities, emergency shelters, emergency
10 command centers, and emergency communications facilities, or
11 identifying construction methods or other methods to minimize
12 damage if these facilities are located in a state responsibility area
13 or very high fire hazard severity zone.

14 (iii) Designing adequate infrastructure if a new development is
15 located in a state responsibility area or in a very high fire hazard
16 severity zone, including safe access for emergency response
17 vehicles, visible street signs, and water supplies for structural fire
18 suppression.

19 (iv) Working cooperatively with public agencies with
20 responsibility for fire protection.

21 (D) If a city or county has adopted a fire safety plan or document
22 separate from the general plan, an attachment of, or reference to,
23 a city or county's adopted fire safety plan or document that fulfills
24 commensurate goals and objectives and contains information
25 required pursuant to this paragraph.

26 (4) Upon the next revision of a local hazard mitigation plan,
27 adopted in accordance with the federal Disaster Mitigation Act of
28 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
29 local jurisdiction has not adopted a local hazard mitigation plan,
30 beginning on or before January 1, 2022, the safety element shall
31 be reviewed and updated as necessary to address climate adaptation
32 and resiliency strategies applicable to the city or county. This
33 review shall consider advice provided in the Office of Planning
34 and Research's General Plan Guidelines and shall include all of
35 the following:

36 (A) (i) A vulnerability assessment that identifies the risks that
37 climate change poses to the local jurisdiction and the geographic
38 areas at risk from climate change impacts, including, but not limited
39 to, an assessment of how climate change may affect the risks
40 addressed pursuant to paragraphs (2) and (3).

1 (ii) Information that may be available from federal, state,
2 regional, and local agencies that will assist in developing the
3 vulnerability assessment and the adaptation policies and strategies
4 required pursuant to subparagraph (B), including, but not limited
5 to, all of the following:

6 (I) Information from the Internet-based Cal-Adapt tool.

7 (II) Information from the most recent version of the California
8 Adaptation Planning Guide.

9 (III) Information from local agencies on the types of assets,
10 resources, and populations that will be sensitive to various climate
11 change exposures.

12 (IV) Information from local agencies on their current ability to
13 deal with the impacts of climate change.

14 (V) Historical data on natural events and hazards, including
15 locally prepared maps of areas subject to previous risk, areas that
16 are vulnerable, and sites that have been repeatedly damaged.

17 (VI) Existing and planned development in identified at-risk
18 areas, including structures, roads, utilities, and essential public
19 facilities.

20 (VII) Federal, state, regional, and local agencies with
21 responsibility for the protection of public health and safety and
22 the environment, including special districts and local offices of
23 emergency services.

24 (B) A set of adaptation and resilience goals, policies, and
25 objectives based on the information specified in subparagraph (A)
26 for the protection of the community.

27 (C) A set of feasible implementation measures designed to carry
28 out the goals, policies, and objectives identified pursuant to
29 subparagraph (B) including, but not limited to, all of the following:

30 (i) Feasible methods to avoid or minimize climate change
31 impacts associated with new uses of land.

32 (ii) The location, when feasible, of new essential public facilities
33 outside of at-risk areas, including, but not limited to, hospitals and
34 health care facilities, emergency shelters, emergency command
35 centers, and emergency communications facilities, or identifying
36 construction methods or other methods to minimize damage if
37 these facilities are located in at-risk areas.

38 (iii) The designation of adequate and feasible infrastructure
39 located in an at-risk area.

1 (iv) Guidelines for working cooperatively with relevant local,
2 regional, state, and federal agencies.

3 (v) The identification of natural infrastructure that may be used
4 in adaptation projects, where feasible. Where feasible, the plan
5 shall use existing natural features and ecosystem processes, or the
6 restoration of natural features and ecosystem processes, when
7 developing alternatives for consideration. For the purposes of this
8 clause, “natural infrastructure” means the preservation or
9 restoration of ecological systems, or utilization of engineered
10 systems that use ecological processes, to increase resiliency to
11 climate change, manage other environmental hazards, or both.
12 This may include, but is not limited to, floodplain and wetlands
13 restoration or preservation, combining levees with restored natural
14 systems to reduce flood risk, and urban tree planting to mitigate
15 high heat days.

16 (D) (i) If a city or county has adopted the local hazard
17 mitigation plan, or other climate adaptation plan or document that
18 fulfills commensurate goals and objectives and contains the
19 information required pursuant to this paragraph, separate from the
20 general plan, an attachment of, or reference to, the local hazard
21 mitigation plan or other climate adaptation plan or document.

22 (ii) Cities or counties that have an adopted hazard mitigation
23 plan, or other climate adaptation plan or document that substantially
24 complies with this section, or have substantially equivalent
25 provisions to this subdivision in their general plans, may use that
26 information in the safety element to comply with this subdivision,
27 and shall summarize and incorporate by reference into the safety
28 element the other general plan provisions, climate adaptation plan
29 or document, specifically showing how each requirement of this
30 subdivision has been met.

31 (5) After the initial revision of the safety element pursuant to
32 paragraphs (2), (3), and (4) upon each revision of the housing
33 element, the planning agency shall review and, if necessary, revise
34 the safety element to identify new information that was not
35 available during the previous revision of the safety element.

36 (6) Cities and counties that have flood plain management
37 ordinances that have been approved by FEMA that substantially
38 comply with this section, or have substantially equivalent
39 provisions to this subdivision in their general plans, may use that
40 information in the safety element to comply with this subdivision,

1 and shall summarize and incorporate by reference into the safety
2 element the other general plan provisions or the flood plain
3 ordinance, specifically showing how each requirement of this
4 subdivision has been met.

5 (7) Prior to the periodic review of its general plan and prior to
6 preparing or revising its safety element, each city and county shall
7 consult the California Geological Survey of the Department of
8 Conservation, the Central Valley Flood Protection Board, if the
9 city or county is located within the boundaries of the Sacramento
10 and San Joaquin Drainage District, as set forth in Section 8501 of
11 the Water Code, and the Office of Emergency Services for the
12 purpose of including information known by and available to the
13 department, the agency, and the board required by this subdivision.

14 (8) To the extent that a county's safety element is sufficiently
15 detailed and contains appropriate policies and programs for
16 adoption by a city, a city may adopt that portion of the county's
17 safety element that pertains to the city's planning area in
18 satisfaction of the requirement imposed by this subdivision.

19 *SEC. 2.1. Section 65302 of the Government Code is amended*
20 *to read:*

21 65302. The general plan shall consist of a statement of
22 development policies and shall include a diagram or diagrams and
23 text setting forth objectives, principles, standards, and plan
24 proposals. The plan shall include the following elements:

25 (a) A land use element that designates the proposed general
26 distribution and general location and extent of the uses of the land
27 for housing, business, industry, open space, including agriculture,
28 natural resources, recreation, and enjoyment of scenic beauty,
29 education, public buildings and grounds, solid and liquid waste
30 disposal facilities, *greenways, as defined in Section 816.52 of the*
31 *Civil Code*, and other categories of public and private uses of land.
32 The location and designation of the extent of the uses of the land
33 for public and private uses shall consider the identification of land
34 and natural resources pursuant to paragraph (3) of subdivision (d).
35 The land use element shall include a statement of the standards of
36 population density and building intensity recommended for the
37 various districts and other territory covered by the plan. The land
38 use element shall identify and annually review those areas covered
39 by the plan that are subject to flooding identified by flood plain
40 mapping prepared by the Federal Emergency Management Agency

(FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner

1 that is suitable to the rural, suburban, or urban context of the
2 general plan.

3 (B) For purposes of this paragraph, “users of streets, roads, and
4 highways” mean bicyclists, children, persons with disabilities,
5 motorists, movers of commercial goods, pedestrians, users of public
6 transportation, and seniors.

7 (c) A housing element as provided in Article 10.6 (commencing
8 with Section 65580).

9 (d) (1) A conservation element for the conservation,
10 development, and utilization of natural resources including water
11 and its hydraulic force, forests, soils, rivers and other waters,
12 harbors, fisheries, wildlife, minerals, and other natural resources.
13 The conservation element shall consider the effect of development
14 within the jurisdiction, as described in the land use element, on
15 natural resources located on public lands, including military
16 installations. That portion of the conservation element including
17 waters shall be developed in coordination with any countywide
18 water agency and with all district and city agencies, including
19 flood management, water conservation, or groundwater agencies
20 that have developed, served, controlled, managed, or conserved
21 water of any type for any purpose in the county or city for which
22 the plan is prepared. Coordination shall include the discussion and
23 evaluation of any water supply and demand information described
24 in Section 65352.5, if that information has been submitted by the
25 water agency to the city or county.

26 (2) The conservation element may also cover all of the
27 following:

28 (A) The reclamation of land and waters.

29 (B) Prevention and control of the pollution of streams and other
30 waters.

31 (C) Regulation of the use of land in stream channels and other
32 areas required for the accomplishment of the conservation plan.

33 (D) Prevention, control, and correction of the erosion of soils,
34 beaches, and shores.

35 (E) Protection of watersheds.

36 (F) The location, ~~quantity~~ *quantity*, and quality of the rock, sand,
37 and gravel resources.

38 (3) Upon the next revision of the housing element on or after
39 January 1, 2009, the conservation element shall identify rivers,
40 creeks, streams, flood corridors, riparian habitats, and land that

1 may accommodate floodwater for purposes of groundwater
2 recharge and stormwater management.

3 (e) An open-space element as provided in Article 10.5
4 (commencing with Section 65560).

5 (f) (1) A noise element that shall identify and appraise noise
6 problems in the community. The noise element shall analyze and
7 quantify, to the extent practicable, as determined by the legislative
8 body, current and projected noise levels for all of the following
9 sources:

10 (A) Highways and freeways.

11 (B) Primary arterials and major local streets.

12 (C) Passenger and freight online railroad operations and ground
13 rapid transit systems.

14 (D) Commercial, general aviation, heliport, helistop, and military
15 airport operations, aircraft overflights, jet engine test stands, and
16 all other ground facilities and maintenance functions related to
17 airport operation.

18 (E) Local industrial plants, including, but not limited to, railroad
19 classification yards.

20 (F) Other ground stationary noise sources, including, but not
21 limited to, military installations, identified by local agencies as
22 contributing to the community noise environment.

23 (2) Noise contours shall be shown for all of these sources and
24 stated in terms of community noise equivalent level (CNEL) or
25 day-night average sound level (L_{dn}). The noise contours shall be
26 prepared on the basis of noise monitoring or following generally
27 accepted noise modeling techniques for the various sources
28 identified in paragraphs (1) to (6), inclusive.

29 (3) The noise contours shall be used as a guide for establishing
30 a pattern of land uses in the land use element that minimizes the
31 exposure of community residents to excessive noise.

32 (4) The noise element shall include implementation measures
33 and possible solutions that address existing and foreseeable noise
34 problems, if any. The adopted noise element shall serve as a
35 guideline for compliance with the state's noise insulation standards.

36 (g) (1) A safety element for the protection of the community
37 from any unreasonable risks associated with the effects of
38 seismically induced surface rupture, ground shaking, ground
39 failure, tsunami, seiche, and dam failure; slope instability leading
40 to mudslides and landslides; subsidence; liquefaction; and other

1 seismic hazards identified pursuant to Chapter 7.8 (commencing
2 with Section 2690) of Division 2 of the Public Resources Code,
3 and other geologic hazards known to the legislative body; flooding;
4 and wildland and urban fires. The safety element shall include
5 mapping of known seismic and other geologic hazards. It shall
6 also address evacuation routes, military installations, peakload
7 water supply requirements, and minimum road widths and
8 clearances around structures, as those items relate to identified fire
9 and geologic hazards.

10 (2) The safety element, upon the next revision of the housing
11 element on or after January 1, 2009, shall also do the following:

12 (A) Identify information regarding flood hazards, including,
13 but not limited to, the following:

14 (i) Flood hazard zones. As used in this subdivision, “flood
15 hazard zone” means an area subject to flooding that is delineated
16 as either a special hazard area or an area of moderate or minimal
17 hazard on an official flood insurance rate map issued by the Federal
18 Emergency Management Agency (FEMA). The identification of
19 a flood hazard zone does not imply that areas outside the flood
20 hazard zones or uses permitted within flood hazard zones will be
21 free from flooding or flood damage.

22 (ii) National Flood Insurance Program maps published by
23 FEMA.

24 (iii) Information about flood hazards that is available from the
25 United States Army Corps of Engineers.

26 (iv) Designated floodway maps that are available from the
27 Central Valley Flood Protection Board.

28 (v) Dam failure inundation maps prepared pursuant to Section
29 8589.5 that are available from the Office of Emergency Services.

30 (vi) Awareness Floodplain Mapping Program maps and 200-year
31 flood plain maps that are or may be available from, or accepted
32 by, the Department of Water Resources.

33 (vii) Maps of levee protection zones.

34 (viii) Areas subject to inundation in the event of the failure of
35 project or nonproject levees or floodwalls.

36 (ix) Historical data on flooding, including locally prepared maps
37 of areas that are subject to flooding, areas that are vulnerable to
38 flooding after wildfires, and sites that have been repeatedly
39 damaged by flooding.

1 (x) Existing and planned development in flood hazard zones,
2 including structures, roads, utilities, and essential public facilities.

3 (xi) Local, state, and federal agencies with responsibility for
4 flood protection, including special districts and local offices of
5 emergency services.

6 (B) Establish a set of comprehensive goals, policies, and
7 objectives based on the information identified pursuant to
8 subparagraph (A), for the protection of the community from the
9 unreasonable risks of flooding, including, but not limited to:

10 (i) Avoiding or minimizing the risks of flooding to new
11 development.

12 (ii) Evaluating whether new development should be located in
13 flood hazard zones, and identifying construction methods or other
14 methods to minimize damage if new development is located in
15 flood hazard zones.

16 (iii) Maintaining the structural and operational integrity of
17 essential public facilities during flooding.

18 (iv) Locating, when feasible, new essential public facilities
19 outside of flood hazard zones, including hospitals and health care
20 facilities, emergency shelters, fire stations, emergency command
21 centers, and emergency communications facilities or identifying
22 construction methods or other methods to minimize damage if
23 these facilities are located in flood hazard zones.

24 (v) Establishing cooperative working relationships among public
25 agencies with responsibility for flood protection.

26 (C) Establish a set of feasible implementation measures designed
27 to carry out the goals, policies, and objectives established pursuant
28 to subparagraph (B).

29 (3) Upon the next revision of the housing element on or after
30 January 1, 2014, the safety element shall be reviewed and updated
31 as necessary to address the risk of fire for land classified as state
32 responsibility areas, as defined in Section 4102 of the Public
33 Resources Code, and land classified as very high fire hazard
34 severity zones, as defined in Section 51177. This review shall
35 consider the advice included in the Office of Planning and
36 Research's most recent publication of "Fire Hazard Planning,
37 General Plan Technical Advice Series" and shall also include all
38 of the following:

39 (A) Information regarding fire hazards, including, but not limited
40 to, all of the following:

1 (i) Fire hazard severity zone maps available from the Department
2 of Forestry and Fire Protection.

3 (ii) Any historical data on wildfires available from local
4 agencies or a reference to where the data can be found.

5 (iii) Information about wildfire hazard areas that may be
6 available from the United States Geological Survey.

7 (iv) General location and distribution of existing and planned
8 uses of land in very high fire hazard severity zones and in state
9 responsibility areas, including structures, roads, utilities, and
10 essential public facilities. The location and distribution of planned
11 uses of land shall not require defensible space compliance measures
12 required by state law or local ordinance to occur on publicly owned
13 lands or ~~open-space~~ *open-space* designations of homeowner
14 associations.

15 (v) Local, state, and federal agencies with responsibility for fire
16 protection, including special districts and local offices of
17 emergency services.

18 (B) A set of goals, policies, and objectives based on the
19 information identified pursuant to subparagraph (A) for the
20 protection of the community from the unreasonable risk of wildfire.

21 (C) A set of feasible implementation measures designed to carry
22 out the goals, policies, and objectives based on the information
23 identified pursuant to subparagraph (B) including, but not limited
24 to, all of the following:

25 (i) Avoiding or minimizing the wildfire hazards associated with
26 new uses of land.

27 (ii) Locating, when feasible, new essential public facilities
28 outside of high fire risk areas, including, but not limited to,
29 hospitals and health care facilities, emergency shelters, emergency
30 command centers, and emergency communications facilities, or
31 identifying construction methods or other methods to minimize
32 damage if these facilities are located in a state responsibility area
33 or very high fire hazard severity zone.

34 (iii) Designing adequate infrastructure if a new development is
35 located in a state responsibility area or in a very high fire hazard
36 severity zone, including safe access for emergency response
37 vehicles, visible street signs, and water supplies for structural fire
38 suppression.

39 (iv) Working cooperatively with public agencies with
40 responsibility for fire protection.

1 (D) If a city or county has adopted a fire safety plan or document
2 separate from the general plan, an attachment of, or reference to,
3 a city or county's adopted fire safety plan or document that fulfills
4 commensurate goals and objectives and contains information
5 required pursuant to this paragraph.

6 (4) Upon the next revision of a local hazard mitigation plan,
7 adopted in accordance with the federal Disaster Mitigation Act of
8 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
9 local jurisdiction has not adopted a local hazard mitigation plan,
10 beginning on or before January 1, 2022, the safety element shall
11 be reviewed and updated as necessary to address climate adaptation
12 and resiliency strategies applicable to the city or county. This
13 review shall consider advice provided in the Office of Planning
14 and Research's General Plan Guidelines and shall include all of
15 the following:

16 (A) (i) A vulnerability assessment that identifies the risks that
17 climate change poses to the local jurisdiction and the geographic
18 areas at risk from climate change impacts, including, but not limited
19 to, an assessment of how climate change may affect the risks
20 addressed pursuant to paragraphs (2) and (3).

21 (ii) Information that may be available from federal, state,
22 regional, and local agencies that will assist in developing the
23 vulnerability assessment and the adaptation policies and strategies
24 required pursuant to subparagraph (B), including, but not limited
25 to, all of the following:

26 (I) Information from the Internet-based Cal-Adapt tool.

27 (II) Information from the most recent version of the California
28 Adaptation Planning Guide.

29 (III) Information from local agencies on the types of assets,
30 resources, and populations that will be sensitive to various climate
31 change exposures.

32 (IV) Information from local agencies on their current ability to
33 deal with the impacts of climate change.

34 (V) Historical data on natural events and hazards, including
35 locally prepared maps of areas subject to previous risk, areas that
36 are vulnerable, and sites that have been repeatedly damaged.

37 (VI) Existing and planned development in identified at-risk
38 areas, including structures, roads, utilities, and essential public
39 facilities.

1 (VII) Federal, state, regional, and local agencies with
2 responsibility for the protection of public health and safety and
3 the environment, including special districts and local offices of
4 emergency services.

5 (B) A set of adaptation and resilience goals, policies, and
6 objectives based on the information specified in subparagraph (A)
7 for the protection of the community.

8 (C) A set of feasible implementation measures designed to carry
9 out the goals, policies, and objectives identified pursuant to
10 subparagraph (B) including, but not limited to, all of the following:

11 (i) Feasible methods to avoid or minimize climate change
12 impacts associated with new uses of land.

13 (ii) The location, when feasible, of new essential public facilities
14 outside of at-risk areas, including, but not limited to, hospitals and
15 health care facilities, emergency shelters, emergency command
16 centers, and emergency communications facilities, or identifying
17 construction methods or other methods to minimize damage if
18 these facilities are located in at-risk areas.

19 (iii) The designation of adequate and feasible infrastructure
20 located in an at-risk area.

21 (iv) Guidelines for working cooperatively with relevant local,
22 regional, state, and federal agencies.

23 (v) The identification of natural infrastructure that may be used
24 in adaptation projects, where feasible. Where feasible, the plan
25 shall use existing natural features and ecosystem processes, or the
26 restoration of natural features and ecosystem processes, when
27 developing alternatives for consideration. For the purposes of this
28 clause, “natural infrastructure” means the preservation or
29 restoration of ecological systems, or utilization of engineered
30 systems that use ecological processes, to increase resiliency to
31 climate change, manage other environmental hazards, or both.
32 This may include, but is not limited to, floodplain and wetlands
33 restoration or preservation, combining levees with restored natural
34 systems to reduce flood risk, and urban tree planting to mitigate
35 high heat days.

36 (D) (i) If a city or county has adopted the local hazard
37 mitigation plan, or other climate adaptation plan or document that
38 fulfills commensurate goals and objectives and contains the
39 information required pursuant to this paragraph, separate from the

1 general plan, an attachment of, or reference to, the local hazard
2 mitigation plan or other climate adaptation plan or document.

3 (ii) Cities or counties that have an adopted hazard mitigation
4 plan, or other climate adaptation plan or document that substantially
5 complies with this section, or have substantially equivalent
6 provisions to this subdivision in their general plans, may use that
7 information in the safety element to comply with this subdivision,
8 and shall summarize and incorporate by reference into the safety
9 element the other general plan provisions, climate adaptation plan
10 or document, specifically showing how each requirement of this
11 subdivision has been met.

12 (5) After the initial revision of the safety element pursuant to
13 paragraphs ~~(2), (3), and (4)~~ (2) and (3) upon each revision of the
14 housing element, the planning agency shall review and, if
15 necessary, revise the safety element to identify new information
16 *relating to flood and fire hazards* that was not available during the
17 previous revision of the safety element.

18 (6) Cities and counties that have flood plain management
19 ordinances that have been approved by FEMA that substantially
20 comply with this section, or have substantially equivalent
21 provisions to this subdivision in their general plans, may use that
22 information in the safety element to comply with this subdivision,
23 and shall summarize and incorporate by reference into the safety
24 element the other general plan provisions or the flood plain
25 ordinance, specifically showing how each requirement of this
26 subdivision has been met.

27 (7) Prior to the periodic review of its general plan and prior to
28 preparing or revising its safety element, each city and county shall
29 consult the California Geological Survey of the Department of
30 Conservation, the Central Valley Flood Protection Board, if the
31 city or county is located within the boundaries of the Sacramento
32 and San Joaquin Drainage District, as set forth in Section 8501 of
33 the Water Code, and the Office of Emergency Services for the
34 purpose of including information known by and available to the
35 department, the agency, and the board required by this subdivision.

36 (8) To the extent that a county's safety element is sufficiently
37 detailed and contains appropriate policies and programs for
38 adoption by a city, a city may adopt that portion of the county's
39 safety element that pertains to the city's planning area in
40 satisfaction of the requirement imposed by this subdivision.

1 *SEC. 2.2. Section 65302 of the Government Code is amended*
2 *to read:*

3 65302. The general plan shall consist of a statement of
4 development policies and shall include a diagram or diagrams and
5 text setting forth objectives, principles, standards, and plan
6 proposals. The plan shall include the following elements:

7 (a) A land use element that designates the proposed general
8 distribution and general location and extent of the uses of the land
9 for housing, business, industry, open space, including agriculture,
10 natural resources, recreation, and enjoyment of scenic beauty,
11 education, public buildings and grounds, solid and liquid waste
12 disposal facilities, *greenways, as defined in Section 816.52 of the*
13 *Civil Code*, and other categories of public and private uses of land.
14 The location and designation of the extent of the uses of the land
15 for public and private uses shall consider the identification of land
16 and natural resources pursuant to paragraph (3) of subdivision (d).
17 The land use element shall include a statement of the standards of
18 population density and building intensity recommended for the
19 various districts and other territory covered by the plan. The land
20 use element shall identify and annually review those areas covered
21 by the plan that are subject to flooding identified by flood plain
22 mapping prepared by the Federal Emergency Management Agency
23 (FEMA) or the Department of Water Resources. The land use
24 element shall also do both of the following:

25 (1) Designate in a land use category that provides for timber
26 production those parcels of real property zoned for timberland
27 production pursuant to the California Timberland Productivity Act
28 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
29 of Division 1 of Title 5).

30 (2) Consider the impact of new growth on military readiness
31 activities carried out on military bases, installations, and operating
32 and training areas, when proposing zoning ordinances or
33 designating land uses covered by the general plan for land, or other
34 territory adjacent to military facilities, or underlying designated
35 military aviation routes and airspace.

36 (A) In determining the impact of new growth on military
37 readiness activities, information provided by military facilities
38 shall be considered. Cities and counties shall address military
39 impacts based on information from the military and other sources.

40 (B) The following definitions govern this paragraph:

1 (i) “Military readiness activities” mean all of the following:

2 (I) Training, support, and operations that prepare the men and
3 women of the military for combat.

4 (II) Operation, maintenance, and security of any military
5 installation.

6 (III) Testing of military equipment, vehicles, weapons, and
7 sensors for proper operation or suitability for combat use.

8 (ii) “Military installation” means a base, camp, post, station,
9 yard, center, homeport facility for any ship, or other activity under
10 the jurisdiction of the United States Department of Defense as
11 defined in paragraph (1) of subsection (g) of Section 2687 of Title
12 10 of the United States Code.

13 (b) (1) A circulation element consisting of the general location
14 and extent of existing and proposed major thoroughfares,
15 transportation routes, terminals, any military airports and ports,
16 and other local public utilities and facilities, all correlated with the
17 land use element of the plan.

18 (2) (A) Commencing January 1, 2011, upon any substantive
19 revision of the circulation element, the legislative body shall
20 modify the circulation element to plan for a balanced, multimodal
21 transportation network that meets the needs of all users of streets,
22 roads, and highways for safe and convenient travel in a manner
23 that is suitable to the rural, suburban, or urban context of the
24 general plan.

25 (B) For purposes of this paragraph, “users of streets, roads, and
26 highways” mean bicyclists, children, persons with disabilities,
27 motorists, movers of commercial goods, pedestrians, users of public
28 transportation, and seniors.

29 (c) A housing element as provided in Article 10.6 (commencing
30 with Section 65580).

31 (d) (1) A conservation element for the conservation,
32 development, and utilization of natural resources including water
33 and its hydraulic force, forests, soils, rivers and other waters,
34 harbors, fisheries, wildlife, minerals, and other natural resources.
35 The conservation element shall consider the effect of development
36 within the jurisdiction, as described in the land use element, on
37 natural resources located on public lands, including military
38 installations. That portion of the conservation element including
39 waters shall be developed in coordination with any countywide
40 water agency and with all district and city agencies, including

1 flood management, water conservation, or groundwater agencies
2 that have developed, served, controlled, managed, or conserved
3 water of any type for any purpose in the county or city for which
4 the plan is prepared. Coordination shall include the discussion and
5 evaluation of any water supply and demand information described
6 in Section 65352.5, if that information has been submitted by the
7 water agency to the city or county.

8 (2) The conservation element may also cover all of the
9 following:

10 (A) The reclamation of land and waters.

11 (B) Prevention and control of the pollution of streams and other
12 waters.

13 (C) Regulation of the use of land in stream channels and other
14 areas required for the accomplishment of the conservation plan.

15 (D) Prevention, control, and correction of the erosion of soils,
16 beaches, and shores.

17 (E) Protection of watersheds.

18 (F) The location, ~~quantity~~ *quantity*, and quality of the rock, sand,
19 and gravel resources.

20 (3) Upon the next revision of the housing element on or after
21 January 1, 2009, the conservation element shall identify rivers,
22 creeks, streams, flood corridors, riparian habitats, and land that
23 may accommodate floodwater for purposes of groundwater
24 recharge and stormwater management.

25 (e) An open-space element as provided in Article 10.5
26 (commencing with Section 65560).

27 (f) (1) A noise element that shall identify and appraise noise
28 problems in the community. The noise element shall analyze and
29 quantify, to the extent practicable, as determined by the legislative
30 body, current and projected noise levels for all of the following
31 sources:

32 (A) Highways and freeways.

33 (B) Primary arterials and major local streets.

34 (C) Passenger and freight online railroad operations and ground
35 rapid transit systems.

36 (D) Commercial, general aviation, heliport, helistop, and military
37 airport operations, aircraft overflights, jet engine test stands, and
38 all other ground facilities and maintenance functions related to
39 airport operation.

1 (E) Local industrial plants, including, but not limited to, railroad
2 classification yards.

3 (F) Other ground stationary noise sources, including, but not
4 limited to, military installations, identified by local agencies as
5 contributing to the community noise environment.

6 (2) Noise contours shall be shown for all of these sources and
7 stated in terms of community noise equivalent level (CNEL) or
8 day-night average sound level (L_{dn}). The noise contours shall be
9 prepared on the basis of noise monitoring or following generally
10 accepted noise modeling techniques for the various sources
11 identified in paragraphs (1) to (6), inclusive.

12 (3) The noise contours shall be used as a guide for establishing
13 a pattern of land uses in the land use element that minimizes the
14 exposure of community residents to excessive noise.

15 (4) The noise element shall include implementation measures
16 and possible solutions that address existing and foreseeable noise
17 problems, if any. The adopted noise element shall serve as a
18 guideline for compliance with the state's noise insulation standards.

19 (g) (1) A safety element for the protection of the community
20 from any unreasonable risks associated with the effects of
21 seismically induced surface rupture, ground shaking, ground
22 failure, tsunami, seiche, and dam failure; slope instability leading
23 to mudslides and landslides; subsidence; liquefaction; and other
24 seismic hazards identified pursuant to Chapter 7.8 (commencing
25 with Section 2690) of Division 2 of the Public Resources Code,
26 and other geologic hazards known to the legislative body; flooding;
27 and wildland and urban fires. The safety element shall include
28 mapping of known seismic and other geologic hazards. It shall
29 also address evacuation routes, military installations, peakload
30 water supply requirements, and minimum road widths and
31 clearances around structures, as those items relate to identified fire
32 and geologic hazards.

33 (2) The safety element, upon the next revision of the housing
34 element on or after January 1, 2009, shall also do the following:

35 (A) Identify information regarding flood hazards, including,
36 but not limited to, the following:

37 (i) Flood hazard zones. As used in this subdivision, "flood
38 hazard zone" means an area subject to flooding that is delineated
39 as either a special hazard area or an area of moderate or minimal
40 hazard on an official flood insurance rate map issued by the Federal

1 Emergency Management Agency (FEMA). The identification of
2 a flood hazard zone does not imply that areas outside the flood
3 hazard zones or uses permitted within flood hazard zones will be
4 free from flooding or flood damage.

5 (ii) National Flood Insurance Program maps published by
6 FEMA.

7 (iii) Information about flood hazards that is available from the
8 United States Army Corps of Engineers.

9 (iv) Designated floodway maps that are available from the
10 Central Valley Flood Protection Board.

11 (v) Dam failure inundation maps prepared pursuant to Section
12 8589.5 that are available from the Office of Emergency Services.

13 (vi) Awareness Floodplain Mapping Program maps and 200-year
14 flood plain maps that are or may be available from, or accepted
15 by, the Department of Water Resources.

16 (vii) Maps of levee protection zones.

17 (viii) Areas subject to inundation in the event of the failure of
18 project or nonproject levees or floodwalls.

19 (ix) Historical data on flooding, including locally prepared maps
20 of areas that are subject to flooding, areas that are vulnerable to
21 flooding after wildfires, and sites that have been repeatedly
22 damaged by flooding.

23 (x) Existing and planned development in flood hazard zones,
24 including structures, roads, utilities, and essential public facilities.

25 (xi) Local, state, and federal agencies with responsibility for
26 flood protection, including special districts and local offices of
27 emergency services.

28 (B) Establish a set of comprehensive goals, policies, and
29 objectives based on the information identified pursuant to
30 subparagraph (A), for the protection of the community from the
31 unreasonable risks of flooding, including, but not limited to:

32 (i) Avoiding or minimizing the risks of flooding to new
33 development.

34 (ii) Evaluating whether new development should be located in
35 flood hazard zones, and identifying construction methods or other
36 methods to minimize damage if new development is located in
37 flood hazard zones.

38 (iii) Maintaining the structural and operational integrity of
39 essential public facilities during flooding.

1 (iv) Locating, when feasible, new essential public facilities
2 outside of flood hazard zones, including hospitals and health care
3 facilities, emergency shelters, fire stations, emergency command
4 centers, and emergency communications facilities or identifying
5 construction methods or other methods to minimize damage if
6 these facilities are located in flood hazard zones.

7 (v) Establishing cooperative working relationships among public
8 agencies with responsibility for flood protection.

9 (C) Establish a set of feasible implementation measures designed
10 to carry out the goals, policies, and objectives established pursuant
11 to subparagraph (B).

12 (3) Upon the next revision of the housing element on or after
13 January 1, 2014, the safety element shall be reviewed and updated
14 as necessary to address the risk of fire for land classified as state
15 responsibility areas, as defined in Section 4102 of the Public
16 Resources Code, and land classified as very high fire hazard
17 severity zones, as defined in Section 51177. This review shall
18 consider the advice included in the Office of Planning and
19 Research's most recent publication of "Fire Hazard Planning,
20 General Plan Technical Advice Series" and shall also include all
21 of the following:

22 (A) Information regarding fire hazards, including, but not limited
23 to, all of the following:

24 (i) Fire hazard severity zone maps available from the Department
25 of Forestry and Fire Protection.

26 (ii) Any historical data on wildfires available from local
27 agencies or a reference to where the data can be found.

28 (iii) Information about wildfire hazard areas that may be
29 available from the United States Geological Survey.

30 (iv) General location and distribution of existing and planned
31 uses of land in very high fire hazard severity zones and in state
32 responsibility areas, including structures, roads, utilities, and
33 essential public facilities. The location and distribution of planned
34 uses of land shall not require defensible space compliance measures
35 required by state law or local ordinance to occur on publicly owned
36 lands or open space designations of homeowner associations.

37 (v) Local, state, and federal agencies with responsibility for fire
38 protection, including special districts and local offices of
39 emergency services.

1 (B) A set of goals, policies, and objectives based on the
2 information identified pursuant to subparagraph (A) for the
3 protection of the community from the unreasonable risk of wildfire.

4 (C) A set of feasible implementation measures designed to carry
5 out the goals, policies, and objectives based on the information
6 identified pursuant to subparagraph (B) including, but not limited
7 to, all of the following:

8 (i) Avoiding or minimizing the wildfire hazards associated with
9 new uses of land.

10 (ii) Locating, when feasible, new essential public facilities
11 outside of high fire risk areas, including, but not limited to,
12 hospitals and health care facilities, emergency shelters, emergency
13 command centers, and emergency communications facilities, or
14 identifying construction methods or other methods to minimize
15 damage if these facilities are located in a state responsibility area
16 or very high fire hazard severity zone.

17 (iii) Designing adequate infrastructure if a new development is
18 located in a state responsibility area or in a very high fire hazard
19 severity zone, including safe access for emergency response
20 vehicles, visible street signs, and water supplies for structural fire
21 suppression.

22 (iv) Working cooperatively with public agencies with
23 responsibility for fire protection.

24 (D) If a city or county has adopted a fire safety plan or document
25 separate from the general plan, an attachment of, or reference to,
26 a city or county's adopted fire safety plan or document that fulfills
27 commensurate goals and objectives and contains information
28 required pursuant to this paragraph.

29 (4) Upon the next revision of a local hazard mitigation plan,
30 adopted in accordance with the federal Disaster Mitigation Act of
31 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
32 local jurisdiction has not adopted a local hazard mitigation plan,
33 beginning on or before January 1, 2022, the safety element shall
34 be reviewed and updated as necessary to address climate adaptation
35 and resiliency strategies applicable to the city or county. This
36 review shall consider advice provided in the Office of Planning
37 and Research's General Plan Guidelines and shall include all of
38 the following:

39 (A) (i) A vulnerability assessment that identifies the risks that
40 climate change poses to the local jurisdiction and the geographic

1 areas at risk from climate change impacts, including, but not limited
2 to, an assessment of how climate change may affect the risks
3 addressed pursuant to paragraphs (2) and (3).

4 (ii) Information that may be available from federal, state,
5 regional, and local agencies that will assist in developing the
6 vulnerability assessment and the adaptation policies and strategies
7 required pursuant to subparagraph (B), including, but not limited
8 to, all of the following:

9 (I) Information from the Internet-based Cal-Adapt tool.

10 (II) Information from the most recent version of the California
11 Adaptation Planning Guide.

12 (III) Information from local agencies on the types of assets,
13 resources, and populations that will be sensitive to various climate
14 change exposures.

15 (IV) Information from local agencies on their current ability to
16 deal with the impacts of climate change.

17 (V) Historical data on natural events and hazards, including
18 locally prepared maps of areas subject to previous risk, areas that
19 are vulnerable, and sites that have been repeatedly damaged.

20 (VI) Existing and planned development in identified at-risk
21 areas, including structures, roads, utilities, and essential public
22 facilities.

23 (VII) Federal, state, regional, and local agencies with
24 responsibility for the protection of public health and safety and
25 the environment, including special districts and local offices of
26 emergency services.

27 (B) A set of adaptation and resilience goals, policies, and
28 objectives based on the information specified in subparagraph (A)
29 for the protection of the community.

30 (C) A set of feasible implementation measures designed to carry
31 out the goals, policies, and objectives identified pursuant to
32 subparagraph (B) including, but not limited to, all of the following:

33 (i) Feasible methods to avoid or minimize climate change
34 impacts associated with new uses of land.

35 (ii) The location, when feasible, of new essential public facilities
36 outside of at-risk areas, including, but not limited to, hospitals and
37 health care facilities, emergency shelters, emergency command
38 centers, and emergency communications facilities, or identifying
39 construction methods or other methods to minimize damage if
40 these facilities are located in at-risk areas.

1 (iii) The designation of adequate and feasible infrastructure
2 located in an at-risk area.

3 (iv) Guidelines for working cooperatively with relevant local,
4 regional, state, and federal agencies.

5 (v) The identification of natural infrastructure that may be used
6 in adaptation projects, where feasible. Where feasible, the plan
7 shall use existing natural features and ecosystem processes, or the
8 restoration of natural features and ecosystem processes, when
9 developing alternatives for consideration. For the purposes of this
10 clause, “natural infrastructure” means the preservation or
11 restoration of ecological systems, or utilization of engineered
12 systems that use ecological processes, to increase resiliency to
13 climate change, manage other environmental hazards, or both.
14 This may include, but is not limited to, floodplain and wetlands
15 restoration or preservation, combining levees with restored natural
16 systems to reduce flood risk, and urban tree planting to mitigate
17 high heat days.

18 (D) (i) If a city or county has adopted the local hazard
19 mitigation plan, or other climate adaptation plan or document that
20 fulfills commensurate goals and objectives and contains the
21 information required pursuant to this paragraph, separate from the
22 general plan, an attachment of, or reference to, the local hazard
23 mitigation plan or other climate adaptation plan or document.

24 (ii) Cities or counties that have an adopted hazard mitigation
25 plan, or other climate adaptation plan or document that substantially
26 complies with this section, or have substantially equivalent
27 provisions to this subdivision in their general plans, may use that
28 information in the safety element to comply with this subdivision,
29 and shall summarize and incorporate by reference into the safety
30 element the other general plan provisions, climate adaptation plan
31 or document, specifically showing how each requirement of this
32 subdivision has been met.

33 (5) After the initial revision of the safety element pursuant to
34 paragraphs ~~(2), (3), and (4)~~ (2) and (3) upon each revision of the
35 housing element, the planning agency shall review and, if
36 necessary, revise the safety element to identify new information
37 *relating to flood and fire hazards* that was not available during the
38 previous revision of the safety element.

39 (6) Cities and counties that have flood plain management
40 ordinances that have been approved by FEMA that substantially

1 comply with this section, or have substantially equivalent
2 provisions to this subdivision in their general plans, may use that
3 information in the safety element to comply with this subdivision,
4 and shall summarize and incorporate by reference into the safety
5 element the other general plan provisions or the flood plain
6 ordinance, specifically showing how each requirement of this
7 subdivision has been met.

8 (7) Prior to the periodic review of its general plan and prior to
9 preparing or revising its safety element, each city and county shall
10 consult the California Geological Survey of the Department of
11 Conservation, the Central Valley Flood Protection Board, if the
12 city or county is located within the boundaries of the Sacramento
13 and San Joaquin Drainage District, as set forth in Section 8501 of
14 the Water Code, and the Office of Emergency Services for the
15 purpose of including information known by and available to the
16 department, the agency, and the board required by this subdivision.

17 (8) To the extent that a county's safety element is sufficiently
18 detailed and contains appropriate policies and programs for
19 adoption by a city, a city may adopt that portion of the county's
20 safety element that pertains to the city's planning area in
21 satisfaction of the requirement imposed by this subdivision.

22 *(h) (1) An environmental justice element, or related goals,*
23 *policies, and objectives integrated in other elements, that identifies*
24 *disadvantaged communities within the area covered by the general*
25 *plan of the city, county, or city and county, if the city, county, or*
26 *city and county has a disadvantaged community. The environmental*
27 *justice element, or related environmental justice goals, policies,*
28 *and objectives integrated in other elements, shall do all of the*
29 *following:*

30 *(A) Identify objectives and policies to reduce the unique or*
31 *compounded health risks in disadvantaged communities by means*
32 *that include, but are not limited to, the reduction of pollution*
33 *exposure, including the improvement of air quality, and the*
34 *promotion of public facilities, food access, safe and sanitary homes,*
35 *and physical activity.*

36 *(B) Identify objectives and policies to promote civil engagement*
37 *in the public decisionmaking process.*

38 *(C) Identify objectives and policies that prioritize improvements*
39 *and programs that address the needs of disadvantaged*
40 *communities.*

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action otherwise prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 2.3. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land.

The location and designation of the extent of the uses of the land

1 for public and private uses shall consider the identification of land
2 and natural resources pursuant to paragraph (3) of subdivision (d).
3 The land use element shall include a statement of the standards of
4 population density and building intensity recommended for the
5 various districts and other territory covered by the plan. The land
6 use element shall identify and annually review those areas covered
7 by the plan that are subject to flooding identified by flood plain
8 mapping prepared by the Federal Emergency Management Agency
9 (FEMA) or the Department of Water Resources. The land use
10 element shall also do both of the following:

11 (1) Designate in a land use category that provides for timber
12 production those parcels of real property zoned for timberland
13 production pursuant to the California Timberland Productivity Act
14 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
15 of Division 1 of Title 5).

16 (2) Consider the impact of new growth on military readiness
17 activities carried out on military bases, installations, and operating
18 and training areas, when proposing zoning ordinances or
19 designating land uses covered by the general plan for land, or other
20 territory adjacent to military facilities, or underlying designated
21 military aviation routes and airspace.

22 (A) In determining the impact of new growth on military
23 readiness activities, information provided by military facilities
24 shall be considered. Cities and counties shall address military
25 impacts based on information from the military and other sources.

26 (B) The following definitions govern this paragraph:

27 (i) "Military readiness activities" mean all of the following:

28 (I) Training, support, and operations that prepare the men and
29 women of the military for combat.

30 (II) Operation, maintenance, and security of any military
31 installation.

32 (III) Testing of military equipment, vehicles, weapons, and
33 sensors for proper operation or suitability for combat use.

34 (ii) "Military installation" means a base, camp, post, station,
35 yard, center, homeport facility for any ship, or other activity under
36 the jurisdiction of the United States Department of Defense as
37 defined in paragraph (1) of subsection (g) of Section 2687 of Title
38 10 of the United States Code.

39 (b) (1) A circulation element consisting of the general location
40 and extent of existing and proposed major thoroughfares,

1 transportation routes, terminals, any military airports and ports,
2 and other local public utilities and facilities, all correlated with the
3 land use element of the plan.

4 (2) (A) Commencing January 1, 2011, upon any substantive
5 revision of the circulation element, the legislative body shall
6 modify the circulation element to plan for a balanced, multimodal
7 transportation network that meets the needs of all users of streets,
8 roads, and highways for safe and convenient travel in a manner
9 that is suitable to the rural, suburban, or urban context of the
10 general plan.

11 (B) For purposes of this paragraph, “users of streets, roads, and
12 highways” mean bicyclists, children, persons with disabilities,
13 motorists, movers of commercial goods, pedestrians, users of public
14 transportation, and seniors.

15 (c) A housing element as provided in Article 10.6 (commencing
16 with Section 65580).

17 (d) (1) A conservation element for the conservation,
18 development, and utilization of natural resources including water
19 and its hydraulic force, forests, soils, rivers and other waters,
20 harbors, fisheries, wildlife, minerals, and other natural resources.
21 The conservation element shall consider the effect of development
22 within the jurisdiction, as described in the land use element, on
23 natural resources located on public lands, including military
24 installations. That portion of the conservation element including
25 waters shall be developed in coordination with any countywide
26 water agency and with all district and city agencies, including
27 flood management, water conservation, or groundwater agencies
28 that have developed, served, controlled, managed, or conserved
29 water of any type for any purpose in the county or city for which
30 the plan is prepared. Coordination shall include the discussion and
31 evaluation of any water supply and demand information described
32 in Section 65352.5, if that information has been submitted by the
33 water agency to the city or county.

34 (2) The conservation element may also cover all of the
35 following:

36 (A) The reclamation of land and waters.

37 (B) Prevention and control of the pollution of streams and other
38 waters.

39 (C) Regulation of the use of land in stream channels and other
40 areas required for the accomplishment of the conservation plan.

1 (D) Prevention, control, and correction of the erosion of soils,
2 beaches, and shores.

3 (E) Protection of watersheds.

4 (F) The location, ~~quantity~~ *quantity*, and quality of the rock, sand,
5 and gravel resources.

6 (3) Upon the next revision of the housing element on or after
7 January 1, 2009, the conservation element shall identify rivers,
8 creeks, streams, flood corridors, riparian habitats, and land that
9 may accommodate floodwater for purposes of groundwater
10 recharge and stormwater management.

11 (e) An open-space element as provided in Article 10.5
12 (commencing with Section 65560).

13 (f) (1) A noise element that shall identify and appraise noise
14 problems in the community. The noise element shall analyze and
15 quantify, to the extent practicable, as determined by the legislative
16 body, current and projected noise levels for all of the following
17 sources:

18 (A) Highways and freeways.

19 (B) Primary arterials and major local streets.

20 (C) Passenger and freight online railroad operations and ground
21 rapid transit systems.

22 (D) Commercial, general aviation, heliport, helistop, and military
23 airport operations, aircraft overflights, jet engine test stands, and
24 all other ground facilities and maintenance functions related to
25 airport operation.

26 (E) Local industrial plants, including, but not limited to, railroad
27 classification yards.

28 (F) Other ground stationary noise sources, including, but not
29 limited to, military installations, identified by local agencies as
30 contributing to the community noise environment.

31 (2) Noise contours shall be shown for all of these sources and
32 stated in terms of community noise equivalent level (CNEL) or
33 day-night average sound level (L_{dn}). The noise contours shall be
34 prepared on the basis of noise monitoring or following generally
35 accepted noise modeling techniques for the various sources
36 identified in paragraphs (1) to (6), inclusive.

37 (3) The noise contours shall be used as a guide for establishing
38 a pattern of land uses in the land use element that minimizes the
39 exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

1 (vi) Awareness Floodplain Mapping Program maps and 200-year
2 flood plain maps that are or may be available from, or accepted
3 by, the Department of Water Resources.

4 (vii) Maps of levee protection zones.

5 (viii) Areas subject to inundation in the event of the failure of
6 project or nonproject levees or floodwalls.

7 (ix) Historical data on flooding, including locally prepared maps
8 of areas that are subject to flooding, areas that are vulnerable to
9 flooding after wildfires, and sites that have been repeatedly
10 damaged by flooding.

11 (x) Existing and planned development in flood hazard zones,
12 including structures, roads, utilities, and essential public facilities.

13 (xi) Local, state, and federal agencies with responsibility for
14 flood protection, including special districts and local offices of
15 emergency services.

16 (B) Establish a set of comprehensive goals, policies, and
17 objectives based on the information identified pursuant to
18 subparagraph (A), for the protection of the community from the
19 unreasonable risks of flooding, including, but not limited to:

20 (i) Avoiding or minimizing the risks of flooding to new
21 development.

22 (ii) Evaluating whether new development should be located in
23 flood hazard zones, and identifying construction methods or other
24 methods to minimize damage if new development is located in
25 flood hazard zones.

26 (iii) Maintaining the structural and operational integrity of
27 essential public facilities during flooding.

28 (iv) Locating, when feasible, new essential public facilities
29 outside of flood hazard zones, including hospitals and health care
30 facilities, emergency shelters, fire stations, emergency command
31 centers, and emergency communications facilities or identifying
32 construction methods or other methods to minimize damage if
33 these facilities are located in flood hazard zones.

34 (v) Establishing cooperative working relationships among public
35 agencies with responsibility for flood protection.

36 (C) Establish a set of feasible implementation measures designed
37 to carry out the goals, policies, and objectives established pursuant
38 to subparagraph (B).

39 (3) Upon the next revision of the housing element on or after
40 January 1, 2014, the safety element shall be reviewed and updated

1 as necessary to address the risk of fire for land classified as state
2 responsibility areas, as defined in Section 4102 of the Public
3 Resources Code, and land classified as very high fire hazard
4 severity zones, as defined in Section 51177. This review shall
5 consider the advice included in the Office of Planning and
6 Research's most recent publication of "Fire Hazard Planning,
7 General Plan Technical Advice Series" and shall also include all
8 of the following:

9 (A) Information regarding fire hazards, including, but not limited
10 to, all of the following:

11 (i) Fire hazard severity zone maps available from the Department
12 of Forestry and Fire Protection.

13 (ii) Any historical data on wildfires available from local
14 agencies or a reference to where the data can be found.

15 (iii) Information about wildfire hazard areas that may be
16 available from the United States Geological Survey.

17 (iv) General location and distribution of existing and planned
18 uses of land in very high fire hazard severity zones and in state
19 responsibility areas, including structures, roads, utilities, and
20 essential public facilities. The location and distribution of planned
21 uses of land shall not require defensible space compliance measures
22 required by state law or local ordinance to occur on publicly owned
23 lands or ~~open space~~ *open-space* designations of homeowner
24 associations.

25 (v) Local, state, and federal agencies with responsibility for fire
26 protection, including special districts and local offices of
27 emergency services.

28 (B) A set of goals, policies, and objectives based on the
29 information identified pursuant to subparagraph (A) for the
30 protection of the community from the unreasonable risk of wildfire.

31 (C) A set of feasible implementation measures designed to carry
32 out the goals, policies, and objectives based on the information
33 identified pursuant to subparagraph (B) including, but not limited
34 to, all of the following:

35 (i) Avoiding or minimizing the wildfire hazards associated with
36 new uses of land.

37 (ii) Locating, when feasible, new essential public facilities
38 outside of high fire risk areas, including, but not limited to,
39 hospitals and health care facilities, emergency shelters, emergency
40 command centers, and emergency communications facilities, or

1 identifying construction methods or other methods to minimize
2 damage if these facilities are located in a state responsibility area
3 or very high fire hazard severity zone.

4 (iii) Designing adequate infrastructure if a new development is
5 located in a state responsibility area or in a very high fire hazard
6 severity zone, including safe access for emergency response
7 vehicles, visible street signs, and water supplies for structural fire
8 suppression.

9 (iv) Working cooperatively with public agencies with
10 responsibility for fire protection.

11 (D) If a city or county has adopted a fire safety plan or document
12 separate from the general plan, an attachment of, or reference to,
13 a city or county's adopted fire safety plan or document that fulfills
14 commensurate goals and objectives and contains information
15 required pursuant to this paragraph.

16 (4) Upon the next revision of a local hazard mitigation plan,
17 adopted in accordance with the federal Disaster Mitigation Act of
18 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
19 local jurisdiction has not adopted a local hazard mitigation plan,
20 beginning on or before January 1, 2022, the safety element shall
21 be reviewed and updated as necessary to address climate adaptation
22 and resiliency strategies applicable to the city or county. This
23 review shall consider advice provided in the Office of Planning
24 and Research's General Plan Guidelines and shall include all of
25 the following:

26 (A) (i) A vulnerability assessment that identifies the risks that
27 climate change poses to the local jurisdiction and the geographic
28 areas at risk from climate change impacts, including, but not limited
29 to, an assessment of how climate change may affect the risks
30 addressed pursuant to paragraphs (2) and (3).

31 (ii) Information that may be available from federal, state,
32 regional, and local agencies that will assist in developing the
33 vulnerability assessment and the adaptation policies and strategies
34 required pursuant to subparagraph (B), including, but not limited
35 to, all of the following:

36 (I) Information from the Internet-based Cal-Adapt tool.

37 (II) Information from the most recent version of the California
38 Adaptation Planning Guide.

1 (III) Information from local agencies on the types of assets,
2 resources, and populations that will be sensitive to various climate
3 change exposures.

4 (IV) Information from local agencies on their current ability to
5 deal with the impacts of climate change.

6 (V) Historical data on natural events and hazards, including
7 locally prepared maps of areas subject to previous risk, areas that
8 are vulnerable, and sites that have been repeatedly damaged.

9 (VI) Existing and planned development in identified at-risk
10 areas, including structures, roads, utilities, and essential public
11 facilities.

12 (VII) Federal, state, regional, and local agencies with
13 responsibility for the protection of public health and safety and
14 the environment, including special districts and local offices of
15 emergency services.

16 (B) A set of adaptation and resilience goals, policies, and
17 objectives based on the information specified in subparagraph (A)
18 for the protection of the community.

19 (C) A set of feasible implementation measures designed to carry
20 out the goals, policies, and objectives identified pursuant to
21 subparagraph (B) including, but not limited to, all of the following:

22 (i) Feasible methods to avoid or minimize climate change
23 impacts associated with new uses of land.

24 (ii) The location, when feasible, of new essential public facilities
25 outside of at-risk areas, including, but not limited to, hospitals and
26 health care facilities, emergency shelters, emergency command
27 centers, and emergency communications facilities, or identifying
28 construction methods or other methods to minimize damage if
29 these facilities are located in at-risk areas.

30 (iii) The designation of adequate and feasible infrastructure
31 located in an at-risk area.

32 (iv) Guidelines for working cooperatively with relevant local,
33 regional, state, and federal agencies.

34 (v) The identification of natural infrastructure that may be used
35 in adaptation projects, where feasible. Where feasible, the plan
36 shall use existing natural features and ecosystem processes, or the
37 restoration of natural features and ecosystem processes, when
38 developing alternatives for consideration. For the purposes of this
39 clause, “natural infrastructure” means the preservation or
40 restoration of ecological systems, or utilization of engineered

1 systems that use ecological processes, to increase resiliency to
2 climate change, manage other environmental hazards, or both.
3 This may include, but is not limited to, floodplain and wetlands
4 restoration or preservation, combining levees with restored natural
5 systems to reduce flood risk, and urban tree planting to mitigate
6 high heat days.

7 (D) (i) If a city or county has adopted the local hazard
8 mitigation plan, or other climate adaptation plan or document that
9 fulfills commensurate goals and objectives and contains the
10 information required pursuant to this paragraph, separate from the
11 general plan, an attachment of, or reference to, the local hazard
12 mitigation plan or other climate adaptation plan or document.

13 (ii) Cities or counties that have an adopted hazard mitigation
14 plan, or other climate adaptation plan or document that substantially
15 complies with this section, or have substantially equivalent
16 provisions to this subdivision in their general plans, may use that
17 information in the safety element to comply with this subdivision,
18 and shall summarize and incorporate by reference into the safety
19 element the other general plan provisions, climate adaptation plan
20 or document, specifically showing how each requirement of this
21 subdivision has been met.

22 (5) After the initial revision of the safety element pursuant to
23 paragraphs ~~(2), (3), and (4)~~ (2) and (3) upon each revision of the
24 housing element, the planning agency shall review and, if
25 necessary, revise the safety element to identify new information
26 *relating to flood and fire hazards* that was not available during the
27 previous revision of the safety element.

28 (6) Cities and counties that have flood plain management
29 ordinances that have been approved by FEMA that substantially
30 comply with this section, or have substantially equivalent
31 provisions to this subdivision in their general plans, may use that
32 information in the safety element to comply with this subdivision,
33 and shall summarize and incorporate by reference into the safety
34 element the other general plan provisions or the flood plain
35 ordinance, specifically showing how each requirement of this
36 subdivision has been met.

37 (7) Prior to the periodic review of its general plan and prior to
38 preparing or revising its safety element, each city and county shall
39 consult the California Geological Survey of the Department of
40 Conservation, the Central Valley Flood Protection Board, if the

city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action otherwise prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

1 (A) “Disadvantaged communities” means an area identified by
2 the California Environmental Protection Agency pursuant to
3 Section 39711 of the Health and Safety Code or an area that is a
4 low-income area that is disproportionately affected by
5 environmental pollution and other hazards that can lead to
6 negative health effects, exposure, or environmental degradation.

7 (B) “Public facilities” includes public improvements, public
8 services, and community amenities, as defined in subdivision (d)
9 of Section 66000.

10 (C) “Low-income area” means an area with household incomes
11 at or below 80 percent of the statewide median income or with
12 household incomes at or below the threshold designated as low
13 income by the Department of Housing and Community
14 Development’s list of state income limits adopted pursuant to
15 Section 50093.

16 SEC. 3. Section 65560 of the Government Code is amended
17 to read:

18 65560. (a) “Local open-space plan” is the open-space element
19 of a county or city general plan adopted by the board or council,
20 either as the local open-space plan or as the interim local
21 open-space plan adopted pursuant to Section 65563.

22 (b) “Open-space land” is any parcel or area of land or water that
23 is essentially unimproved and devoted to an open-space use as
24 defined in this section, and that is designated on a local, regional,
25 or state open-space plan as any of the following:

26 (1) Open space for the preservation of natural resources,
27 including, but not limited to, areas required for the preservation
28 of plant and animal life, including habitat for fish and wildlife
29 species; areas required for ecologic and other scientific study
30 purposes; rivers, streams, bays, and estuaries; and coastal beaches,
31 lakeshores, banks of rivers and streams, and watershed lands.

32 (2) Open space used for the managed production of resources,
33 including, but not limited to, forest lands, rangeland, agricultural
34 lands, and areas of economic importance for the production of
35 food or fiber; areas required for recharge of groundwater basins;
36 bays, estuaries, marshes, rivers, and streams that are important for
37 the management of commercial fisheries; and areas containing
38 major mineral deposits, including those in short supply.

39 (3) Open space for outdoor recreation, including, but not limited
40 to, areas of outstanding scenic, historic, and cultural value; areas

1 particularly suited for park and recreation purposes, including
2 access to lakeshores, beaches, and rivers and streams; and areas
3 that serve as links between major recreation and open-space
4 reservations, including utility easements, banks of rivers and
5 streams, trails, and scenic highway corridors.

6 (4) Open space for public health and safety, including, but not
7 limited to, areas that require special management or regulation
8 because of hazardous or special conditions such as earthquake
9 fault zones, unstable soil areas, flood plains, watersheds, areas
10 presenting high fire risks, areas required for the protection of water
11 quality and water reservoirs, and areas required for the protection
12 and enhancement of air quality.

13 (5) Open space in support of the mission of military installations
14 that comprises areas adjacent to military installations, military
15 training routes, and underlying restricted airspace that can provide
16 additional buffer zones to military activities and complement the
17 resource values of the military lands.

18 (6) Open space for the protection of places, features, and objects
19 described in Sections 5097.9 and 5097.993 of the Public Resources
20 Code.

21 *SEC. 4. (a) Section 2.1 of this bill incorporates amendments*
22 *to Section 65302 of the Government Code proposed by both this*
23 *bill and Senate Bill 974. It shall only become operative if (1) both*
24 *bills are enacted and become effective on or before January 1,*
25 *2017, (2) each bill amends Section 65302 of the Government Code,*
26 *and (3) Senate Bill 1000 is not enacted or as enacted does not*
27 *amend that section, and (4) this bill is enacted after Senate Bill*
28 *974, in which case Sections 2, 2.2 and 2.3 of this bill shall not*
29 *become operative.*

30 *(b) Section 2.2 of this bill incorporates amendments to Section*
31 *65302 of the Government Code proposed by both this bill and*
32 *Senate Bill 1000. It shall only become operative if (1) both bills*
33 *are enacted and become effective on or before January 1, 2017,*
34 *(2) each bill amends Section 65302 of the Government Code, (3)*
35 *Senate Bill 974 is not enacted or as enacted does not amend that*
36 *section, and (4) this bill is enacted after Senate Bill 1000 in which*
37 *case Sections 2, 2.1 and 2.3 of this bill shall not become operative.*

38 *(c) Section 2.3 of this bill incorporates amendments to Section*
39 *65302 of the Government Code proposed by this bill, Senate Bill*
40 *974, and Senate Bill 1000. It shall only become operative if (1) all*

1 *three bills are enacted and become effective on or before January*
2 *1, 2017, (2) all three bills amend Section 65302 of the Government*
3 *Code, and (3) this bill is enacted after Senate Bill 974 and Senate*
4 *Bill 1000, in which case Sections 2, 2.1 and 2.2 of this bill shall*
5 *not become operative.*

6 ~~SEC. 4.~~

7 SEC. 5. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs because a local agency or school district has the authority to
10 levy service charges, fees, or assessments sufficient to pay for the
11 program or level of service mandated by this act, within the
12 meaning of Section 17556 of the Government Code.

13 However, if the Commission on State Mandates determines that
14 this act contains other costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

18 ~~SEC. 5.~~

19 SEC. 6. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to timely facilitate the orderly and efficient
24 implementation of Chapter 639 of the Statutes of 2015, it is
25 necessary that this act take effect immediately.